

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



ENGINEERING  
FACILITIES & SYSTEMS  
PLANNING

**MEMORANDUM**

**TO:** Planning Board

**FROM:** Matthew Nazar, Director of Development Services

**DATE:** September 8, 2015

**RE:** Fast Eddie's Express Car Wash

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**SUMMARY OF REQUEST**

**Request:** The request is for a Minor Development review as per Section 4.5. The applicant proposes to demolish the existing Capital Buffet building and construct a new car wash on the site with a dedicated pet wash area, exterior vacuums, etc.

**Owner:** Affordable Mid Coast Housing, LLC.

**Applicant:** Capital City Holdings, LLC, c/o Ed Goff.

**Location:** 208 Western Ave

**Zoning:** Regional Business (CC)

**Tax Map Number:** Map 21, Lot 3

**Existing Land Use:** Restaurant (allowed use in the CC district)

**Proposed Land Use:** Service (allowed use in the CC district)

**Acreage:** 0.92

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**SUMMARY OF SUBMITTAL PACKAGE**

In the submittal package the applicant has provided the Planning Board with the following items:

1. Development Review Application Form
2. Narrative
3. Deed, P&S for property
4. Agent authorization letter

## 5. Site Plan

### Areas of Concern

1. The prior owner of the property allowed fill to be dumped on the property and spill significantly over onto city owned property (Buker Center). The applicant needs to work with the City Engineer and other city officials to correct this problem to the satisfaction of the city.
2. The applicant proposes to drain stormwater from the site onto city property via a new drainage structure that is proposed to be partially on city property (Buker Center). The applicant will need a drainage and maintenance easement for the stormwater and drainage structure. The easement can only be granted by the City Council. Given the fact that the stormwater from this site would cross the Buker Center property no matter which direction it is sent – back out onto the Buker Center property directly, or front to Western Ave which then drains onto the Buker Center property – staff expects to be recommending that City Council grants this easement.
3. The existing 4" PVC sanitary service for the property crosses city property and does not indicate that an easement exists for the line. Staff recommends that if the applicant proposes to connect to this existing line and continue to use it – as shown on the plans – that an easement from the city be obtained for this sewer line.
4. The applicant proposes to install eight commercial vacuum cleaners to allow patrons to clean the interiors of their vehicles. The vacuums are currently proposed to be 16' to 17' from the applicant's property line adjacent to Pet Haven Lane. The decibel level of those vacuums at the property line is not reported in the applicant's material. The required decibel level at the property line can be no more than 60dB during any time of the day (Section 5.1.15.1.E).

It is also unclear how much noise the car wash itself will make and how that noise will emanate from the building. If the back and front doors are open will the noise from any of the interior washing and drying features result in noise levels exceeding 60dB at the property line?

Staff recommends that the Planning Board get information from the applicant regarding noise levels at the property line for all proposed uses on site.

5. The Surveyor's Report on sheet BS/TS states that the parcel is subject to a recorded agreement between Theodore Shiro and the City of Augusta to enter only from Pet Haven Lane and exit onto Western Ave. The applicant did not provide a copy of the recorded agreement with the application and did not propose modifying the agreement. The applicant proposes entering and exiting via Pet Haven Lane, in apparent violation of the existing 1972 agreement with the city. Staff's current recommendation would be to both enter and exit onto Pet Haven Lane as proposed by the applicant, however, neither staff nor the Planning Board has the authority to modify existing recorded agreements made by past City Councils. Staff

recommends that the applicant draw up the necessary modifications to the agreement to be presented to the City Council at the same time as the above mentioned easements.

6. The building proposes to have a 130' long blank, unscreened wall on the east side. With the vegetation removed to regrade this area, a blank wall of that scale will be very noticeable to westbound traffic. Staff recommends discussion of this issue by the planning board with the applicant. One suggestion is that the addition of frosted windows, as is seen on the west facing side, and plantings along the east side of the building would soften its appearance to westbound travelers.

## **Waivers**

The applicant has requested no waivers.

## **Staff Review**

**The Bureau of Engineering** does not have any concerns.

**The Bureau of Code Enforcement** does not have additional concerns.

**The Bureau of Planning** does not have any additional concerns.

## **Lot Characteristics**

*Minimum Lot Size* – There is no minimum lot size in the CC district.

*Minimum Road Frontage* – There is no minimum road frontage in the CC district.

*Minimum Lot Depth* – There is no minimum lot depth in the CC district.

*Minimum Front Setback* – The minimum setback from the edge of the Western Ave right-of-way is 35 feet. The proposed building meets the standard.

## **CRITERIA FOR REVIEW OF A MINOR DEVELOPMENT (Section 4.5 of the LUO; includes Section 6.3.4, Conditional Use Review)**

### **Neighborhood Compatibility (Section 6.3.4(1) of the LUO)**

- a) *Land Use/ Visual Integrity:*
  - a. *Land Uses:* The property is currently occupied by a former restaurant.
  - b. *Architectural Design:* The design of the building is a pitched roof with architectural features that break up the bulk and scale of the building on all sides except the east facing side. The building proposes to have a 130' long blank, unscreened wall on the east side. With the vegetation removed to regrade this area, a blank wall of that scale will be very noticeable to westbound traffic. Staff recommends discussion of this issue by the planning board with the applicant. One suggestion is that the

- addition of frosted windows, as is seen on the west facing side, and plantings along the east side of the building would soften its appearance to westbound travelers.
- c. *Scale, Bulk, Building Height:* The building is large, but not out of scale with other buildings in the area.
  - d. *Identity, Historical Character:* The area is a developed commercial corridor.
  - e. *Disposition and Orientation:* The proposed building is oriented similarly to other buildings along Western Ave. The proposed building will eliminate the last remaining building constructed at an angle toward Western Ave and eliminate that visually awkward situation.
  - f. *Visual Integrity:* The applicant proposes a pitched roof concrete block building with a gray and red theme. The buildings along this section of Western Ave are a mixture of materials and construction types, including some standard franchise style construction. The proposed building is not out of context with surrounding buildings.
- b) *Privacy:* The use is adjacent to the Kennebec Humane Society and is visually screened by existing vegetation.
  - c) *Safety and Health:* The proposal is not expected to affect safe and healthful conditions.
  - d) *Property Values:* The proposal is not expected to have a detrimental effect on the value of adjacent properties, provided the appropriate easements can be obtained from the city for the impacts on city land.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Neighborhood Compatibility with the following conditions:

1. The design of the building is a pitched roof with architectural features that break up the bulk and scale of the building on all sides except the east facing side. The building proposes to have a 130' long blank, unscreened wall on the east side. With the vegetation removed to regrade this area, a blank wall of that scale will be very noticeable to westbound traffic. Staff recommends discussion of this issue by the planning board with the applicant.

#### **Plans and Policies (Section 6.3.4(2) of the LUO)**

The project is located in the Westside Residential Area which is described in the 2007 Comprehensive Plan. Development patterns are primarily residential except along commercial corridors such as Western Ave.

Staff recommends that the Board find that the proposal is in accordance with the 2007 Comprehensive Plan.

#### **Traffic Pattern, Flow and Volume (Section 6.3.4(3) of the LUO)**

- a) *Additional Traffic:* The traffic report for the applicant shows a reduction in traffic generation from the previous restaurant use.
- b) *Safe Access:* The applicant proposes creating both ingress and egress onto Pet Haven Lane. The Surveyor's Report on sheet BS/TS states that the parcel is subject to a recorded agreement between Theodore Shiro and the City of Augusta to enter only from Pet Haven Land and exit onto Western Ave. The applicant did not provide a copy of the

recorded agreement with the application and did not propose modifying the agreement. The applicant proposes entering and exiting via Pet Haven Lane, in apparent violation of the existing 1972 agreement with the city. Staff's current recommendation would be to both enter and exit onto Pet Haven Lane as proposed by the applicant, however, neither staff nor the Planning Board has the authority to modify existing recorded agreements made by past City Councils. Staff recommends that the applicant draw up the necessary modifications to the agreement to be presented to the City Council at the same time as the above mentioned easements.

- c) *Emergency*: See the above comment on traffic.
- d) *Movement/Parking*: See the above comment on traffic.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Traffic Pattern, Flow and Volume with the following conditions:

1. Draw up the necessary modifications to the 1972 agreement with the city to allow both ingress and egress onto Pet Haven Lane to be presented to the City Council at the same time as the other necessary easements.

#### **Public Facilities (Section 6.3.4(4) of the LUO)**

- a) *Water Supply*: The applicant expects to connect to public water. A letter has not yet been received from GAUD regarding their capability to serve this use.
- b) *Sanitary/Sewer/Subsurface Waste Disposal*: Same as the water supply comment. Additionally, the existing 4" PVC sanitary service for the property crosses city property and does not indicate that an easement exists for the line. Staff recommends that if the applicant proposes to connect to this existing line and continue to use it – as shown on the plans – that an easement from the city be obtained for this sewer line.
- c) *Electricity/Telephone*: The site is adjacent to existing power and phone services.
- d) *Storm Drainage*: The applicant proposes to drain stormwater from the site onto city property via a new drainage structure that is proposed to be partially on city property (Buker Center). The applicant will need a drainage and maintenance easement for the stormwater and drainage structure. The easement can only be granted by the City Council. Given the fact that the stormwater from this site would cross the Buker Center property no matter which direction it is sent – back out onto the Buker Center property directly, or front to Western Ave which then drains onto the Buker Center property – staff expects to be recommending that City Council grants this easement.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Stormwater with the following conditions:

1. The applicant obtains a drainage and maintenance easement for the drainage proposed to be on city property (Buker Center).
2. The applicant obtains an easement for the sewer line that crosses city property (Buker Center).

#### **Resource Protection and Environment (Section 6.3.4(5) of the LUO)**

- a) *Sensitive Areas*: The applicant proposes to impact 105 sf of wetlands on city property (Buker Center) to accommodate their drainage feature. This is minor, but should

obviously have no negative impact on the city property. Staff recommends a conversation with the applicant's agent regarding how this wetland impact will affect city property.

- b) *Air Quality*: The proposal conforms to air quality standards.
- c) *Water Quality*: The proposal conforms to water quality standards.
- d) *Sewage/Industrial Waste*: See note above regarding sewage and stormwater.
- e) *Shoreland/Wetland Districts*: Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Resource Protection and Environment with the following conditions:

1. The applicant provide details on how the wetland impact will affect the city's ability to apply for and receive any potential DEP permits in the future, assuming current DEP rules remain in place. If there is an impact to the city, compensation for that impact, in addition to compensation for the easement shall be determined by the appropriate authority.

#### **Performance Standards (Section 6.3.4(6) of the LUO)**

- a) *Performance and Dimensional Standards*: The proposal complies with the performance and dimensional standards.
- b) *Noise*: The applicant proposes to install eight commercial vacuum cleaners to allow patrons to clean the interiors of their vehicles. The vacuums are currently proposed to be 16' to 17' from the applicant's property line adjacent to Pet Haven Lane. The decibel level of those vacuums at the property line is not reported in the applicant's material. The required decibel level at the property line can be no more than 60dB during any time of the day (Section 5.1.15.1.E).

It is also unclear how much noise the car wash itself will make and how that noise will emanate from the building. If the back and front doors are open will the noise from any of the interior washing and drying features result in noise levels exceeding 60dB at the property line?

Staff recommends that the Planning Board get information from the applicant regarding noise levels at the property line for all proposed uses on site.

- c) *Glare/Heat*: No glare or heat is anticipated.
- d) *Exterior Lighting*: The applicant proposes both wall packs and free standing parking lot lighting. The applicant states that the fixtures will be full cut off, but staff were unable to locate any cut sheets or other information on the plans to verify this.
- e) *Screening*: The proposed building improves on the existing bufferyard screening on all sides except the east side. Staff recommends a bufferyard A along this side to soften the view of the building from westbound travelers per Section 6.3.4.1.a of the ordinance, creating compatibility with the buildings along Western Ave.
- f) *Signage*: New signage on site will have to comply with existing sign ordinances.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Performance Standards under the following conditions:

1. The applicant provides evidence that the noise standard in the ordinance (Section 5.1.15.1.E allows 60dB at the property line) can be met.
2. The applicant installs full cut off fixtures for all exterior lighting.
3. The applicant installs a Bufferyard A along the east boundary of the building.

#### **Financial and Technical Ability (Section 6.3.4(7) of the LUO)**

The applicant has an operating facility in another community and has demonstrated the ability to construct and operate such a business.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Financial and Technical Ability.

#### **Pollution (Section 4.4.1.1 of the LUO)**

- a) *Floodplain:* The project is not in the 100 year floodplain.
- b) *Ability of Soils to support waste disposal:* Not applicable.
- c) *Slopes effect on effluents:* Not applicable.
- d) *Streams for disposal of effluents:* Not applicable.
- e) *Applicable health and water resource rules:* Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding pollution.

#### **Sufficient Water (Section 4.4.1.2 of the LUO)**

The site is served by public water. A letter from GAUD indicating that the site can be served is required.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding sufficient water with the following condition:

1. A letter from GAUD be obtained indicating that they have the ability to serve the proposed development.

#### **Municipal Water Supply (Section 4.4.1.3 of the LUO)**

See above.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding municipal water supply.

#### **Soil Erosion (Section 4.4.1.4 of the LUO)**

See comments above about stormwater.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding soil erosion.

#### **Highway or Public Road Congestion (Section 4.4.1.5 of the LUO)**

No significant change in traffic volume is proposed.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding highway or public road congestion.

#### **Sewage Waste and Municipal Solid Waste Disposal (Sections 4.4.1.6 and 4.4.1.7) of the LUO)**

The applicant proposes to connect to the public sewer system. A letter from GAUD indicating that they have sufficient capacity to serve the use is necessary. No change in the amount of solid waste is expected.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding sewage waste and municipal solid waste disposal with the following conditions:

1. The applicant provide a letter from GAUD indicating that they have sufficient capacity to serve the proposed use.

#### **Aesthetic, Cultural, and Natural Values (Section 4.4.1.8 of the LUO)**

No undue adverse effect on aesthetic, cultural or natural values is expected except as noted elsewhere in this review.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Aesthetic, Cultural, and Natural Values.

#### **Conformity with City Ordinances and Plans (Section 4.4.1.9 of the LUO)**

The proposal conforms with city ordinances and plans, except as noted in other sections of this review.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding city ordinances and plans.

#### **Financial and Technical Ability (Section 4.4.1(10) of the LUO)**

See the Financial and Technical Ability section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding financial and technical ability.

#### **Surface Waters; Outstanding River Segments (Section 4.4.1(11) of the LUO)**

This proposal is not in proximity to any surface waters or outstanding river segments.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Surface Waters; Outstanding River Segments.



#### **Ground Water (Section 4.4.1(12) of the LUO)**

The proposal is not expected to adversely affect ground water.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding ground water.

#### **Flood Areas (Section 4.4.1(13) of the LUO)**

The proposal is not in the 100 year floodplain.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding flood areas.

#### **Freshwater Wetlands (Section 4.4.1(14) of the LUO)**

See comments in the Public Facilities section above.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding freshwater wetlands.

#### **River, Stream, or Brook ((Section 4.4.1(15) of the LUO)**

There is no river stream or brook on or immediately adjacent to the project site.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding rivers, streams, or brooks.

#### **Stormwater (Section 4.4.1(16) of the LUO)**

See the Public Facilities section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding stormwater.

#### **Access to Direct Sunlight (Section 4.4.1(17) of the LUO)**

The proposal will not block access to direct sunlight to any structures utilizing solar energy.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding direct sunlight.

#### **Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377 (Section 4.4.1(18) of the LUO)**

The project is not regulated by the Site Location of Development Act. Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377.

**Spaghetti-Lots Prohibited (Section 4.4.1(19) of the LUO)**

A subdivision is not proposed. Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding spaghetti-lots.

**Outdoor Lighting (Section 4.4.1(20) of the LUO)**

See the Performance Standards section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding outdoor lighting.